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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

UNITED STATES OF AMERICA,

CR 05-60008 HO

Plaintiff,

v.

**MOTION TO STRIKE SURRENDER
DATE**

PIROUZ SEDAGHATY,

Defendant.

Defendant, Pirouz Sedaghaty, through his attorneys, Steven T. Wax and Lawrence Matasar, hereby moves this Court pursuant to Local R. 9-1.2(e) of the

Ninth Circuit Rules, to rescind the surrender date of January 23, 2012, that is currently in place.

The Ninth Circuit rule provides:

If the appellant is on bail at the time [a motion for release pending appeal] is filed in this court, that bail will remain in effect until the court rules on the motion.

Mr. Sedaghaty's Motion for Release Pending Appeal remains pending in the Circuit. As such, the Circuit rule means that he would not need to surrender to start serving his sentence on January 23 if that court has not yet ruled on his motion.

Notwithstanding the Court's recommendation, Mr. Sedaghaty was designated to an FCI in Englewood, Colorado. We have asked the Bureau of Prisons to reconsider that designation but have not heard back. Mr. Sedaghaty has purchased a plane ticket to travel from Portland to Denver, Colorado on January 23 and is prepared to go if necessary.

Under the Ninth Circuit's rule, he would not need to make that trip if the release motion remains pending. As a result, we request that you strike the surrender date, which is coming up rapidly. In the event that the Circuit denies the motion currently pending before it, Mr. Sedaghaty will immediately inform this Court so that a new surrender date can be set.

The government has advised that it does not oppose the Motion To Strike Surrender Date but, in the event that the Circuit denies the Motion For Release Pending Appeal, will seek a short time for Mr. Sedaghaty's surrender.

Respectfully submitted on January 18, 2012.

/s/ Steven T. Wax

Steven T. Wax
Federal Public Defender

/s/ Lawrence H. Matasar

Lawrence H. Matasar